

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STANISLAUS UNION SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2013050518

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On May 14, 2013, the Stanislaus Union School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (complaint) against Student. On November 6, 2013, the District filed a request to amend its complaint and submitted a copy of the amended Request for Due Process Hearing (amended complaint). Student does not oppose the motion.¹

APPLICABLE LAW AND DISCUSSION

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i); Ed. Code, § 56502, subd. (e).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii); Ed. Code, § 56502, subd. (e).) In a student-filed case, these timelines include a new resolution session period. (Ed. Code, § 56501.5.)

The due process hearing in this matter is currently scheduled to begin on November 18, 2013. Thus, the due process hearing date is not set to begin within five days from the date of this ruling on the motion to amend. Additionally, Student has not opposed the request. Accordingly, District's motion to amend is timely, and is granted.

ORDER

1. District's motion to amend the complaint is granted.

¹ Student's response to the motion to amend was obtained during a telephone conference with both parties on November 8, 2013. The telephone conference was recorded.

2. District's amended complaint shall be deemed filed on the date of this order and all applicable timelines shall be reset as of the date of this order.
3. All currently set dates in this matter are vacated.
4. The 45-day timeline for issuance of the decision in this matter shall be based on this date of this order.
5. OAH will issue a scheduling order with the new dates based on the timelines now reset pursuant to this order.

IT IS SO ORDERED.

Dated: November 12, 2013

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings